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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHARLES W. DOLLARHIDE,
JOYCE M. DOLLARHIDE

Case No. 08-3006-CL

Plaintiff,
v.

PHILLIPS AND COHEN
ASSOCIATES, LTD,
JOHN DOE dba JEFFERSON CAPITAL
SERVICES, LLC;

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT; VIOLATIONS OF
THE OREGON UNLAWFUL DEBT
COLLECTION PRACTICES ACT;
ABUSE OF A VULNERABLE
PERSON

Defendants.

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d) and pursuant to 28 U.S.C. § 1337 for pendent state law claims.
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), the Oregon Unlawful Debt Collection Practices Act, ORS 646.639 et seq and Abuse of a vulnerable person, ORS 124.100.

3. Venue is proper in this District because the acts and transactions occurred here,

Plaintiffs reside here, and Defendants transact business here.

PARTIES

4. Plaintiffs Charles and Joyce Dollarhide are natural persons and husband and wife who reside in the City of Rogue River, in the State of Oregon. Plaintiffs are the parents of Susan Dollarhide who is deceased. Susan Dollarhide was a “consumer” as that term is defined by 15 U.S.C. § 1692a(3). Plaintiffs are elderly and disabled.

5. Phillips and Cohen Associates, LTD. (“Phillips”) is a collection agency operating from an address of 695 Rancocas Rd., Westampton, NJ 08060 and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

6. John Doe dba Jefferson Capital Services, LLC alleges that Susan Dollarhide owes it money.

FACTUAL ALLEGATIONS

7. Plaintiff, Charles Dollarhide, and Susan Dollarhide were co-owners of a 1993 Ford Van.

8. Susan Dollarhide was a quadriplegic who used the van for her personal transportation.

9. On or about August 28, 2006 Susan Dollarhide died from medical problems relating to her quadriplegia.

10. On or about September 12, 2007 Defendant Phillips began contacting “The Estate of Susan Dollarhide” at Plaintiffs’ address in an attempt to collect for Jefferson.

11. Plaintiffs informed Phillips that they had no money to pay and their only source of income was Social Security.

12. Defendant Phillips told Plaintiffs that Phillips was aware that Susan Dollarhide's name was on the title to the van and that unless Plaintiffs paid the blue book value of the van, Phillips would take possession of the van to satisfy the debt.

13. Plaintiffs repeatedly informed Phillips that the title to the van was in his name and refused to pay any money to Phillips.

14. Defendant Phillips continued to threaten to take possession of the van and Plaintiffs borrowed \$6,000 in order to pay Phillips.

15. Following Plaintiffs' payment to Phillips, Phillips continued to attempt to collect from Plaintiffs.

16. As a direct and proximate result of Defendants' actions Plaintiffs have suffered actual damages in the form of money paid to Defendants and emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

17. Plaintiffs are entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

18. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. The foregoing acts and omissions of Defendants constitute numerous and multiple

violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692d, 1692e, 1692e(2), 1692e(4), 1692e(5), 1692e(10), 1692f, 1692f(1), and 1692f(5).

20. As a result of Defendants' violations of the FDCPA, Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II

VIOLATIONS OF THE UNLAWFUL DEBT COLLECTION PRACTICES ACT

ORS 646.639 et seq.

21. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

22. The foregoing acts and omissions of Defendants constitute numerous and multiple violations of the UDCPA including, but not limited to ORS 646.639(2)(c),(j),(k),(n).

23. As a result of Defendants' violations of the UDCPA, Plaintiffs are entitled to actual damages pursuant to ORS 646.641; statutory damages pursuant to ORS 646.641; an order enjoining Defendants from violating the UDCPA pursuant to ORS 646.641; punitive damages pursuant to ORS 646.641; attorney fees and costs pursuant to ORS 646.641.

COUNT III

ABUSE OF A VULNERABLE PERSON

ORS 124.100

24. Plaintiffs reincorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

25. The foregoing acts and omissions of Defendants constitute abuse of a vulnerable persons as defined by ORS 124.100.

26. As a direct and proximate result of Defendants' actions Plaintiffs have suffered economic and noneconomic damages and are therefore entitled to actual damages; treble damages; attorney fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against Defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendants;
for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A)
against Defendants;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §
1692k(a)(3) against Defendants;

COUNT II

VIOLATIONS OF THE UNLAWFUL DEBT COLLECTION PRACTICES ACT

ORS 646.639 *et seq.*

for an award of actual damages pursuant to ORS 646.641 against Defendants;
for an award of statutory damages pursuant to ORS 646.641 against Defendants;
for an award of punitive damages pursuant to ORS 646.641 against Defendants;
for an order enjoining Defendants from violating the UDPCA;

for an award of attorney fees and costs pursuant to ORS 646.641;

COUNT III

ABUSE OF A VULNERABLE PERSON

ORS 124.100

for an award of actual damages;

for an award of treble damages;

for an award of attorney fees and costs; and

for such other relief as the Court deem proper.

DATED: December 17, 2007

Olsen, Olsen & Daines, LLC



Keith D. Karnes, OSB # 03352
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

We, Charles W. Dollarhide and Joyce M. Dollarhide, swear under penalty of perjury that to the best of our knowledge:

1. We are the Plaintiffs in this civil proceeding.
2. We have read the above-entitled civil Complaint prepared by our attorney and we believe that all of the facts contained in it are true, to the best of our knowledge, information and belief formed after reasonable inquiry.
3. We believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. We believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. We have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. We have provided our attorneys with true and correct copies of each and every exhibit which has been attached to this Complaint.
7. We have not altered, changed, modified, or fabricated the attached exhibits, except that some of the attached exhibits may contain some of our own handwritten notations.

DATED: 12-20-07

Charles W. Dollarhide
Charles W. Dollarhide, Plaintiff

Joyce M. Dollarhide
Joyce M. Dollarhide, Plaintiff

258 Chapman Road, Suite 275

Newark, DE 19702

PH (302) 355-3500

FX (302) 368-2152

Ex-9545

Office Hours: M - Th: 8am - 9pm; Fri.: 8am - 6pm; Sat: 8am - 12pm

September 12, 2007

The Estate Of Susan Dollarhide

ROGUE RIVE, OR 975371197

P.O.Box 1197

Our Client:	JEFFERSON CAPITAL SERVICES, LLC
Client Acct.#	[REDACTED]
Our Acct.#	[REDACTED]
Prin. Balance	\$6,930.46
Settlement:	\$1,260.23

Pursuant to our telephone conversation of September 12, 2007, Phillips and Cohen Associates, Ltd. has been retained to serve as authorized representatives for JEFFERSON CAPITAL SERVICES, LLC.

Effective immediately, Phillips and Cohen Associates, Ltd. has been authorized to accept \$1,260.23 as settlement in full on the above referenced account if consummated on or before SEPTEMBER 19, 2007.

Upon receipt of \$1,260.23, the Estate will be released from any further obligation to JEFFERSON CAPITAL SERVICES, LLC regarding the above referenced account.

SETTLEMENT TO BE CONSUMMATED AS FOLLOWS:

\$1,260.23 CASHIER'S OR ATTORNEY'S TRUST CHECK, SENT VIA OVERNIGHT EXPRESS MAIL. TO BE RECEIVED BY PHILLIPS AND COHEN ASSOCIATES AT THE ABOVE ADDRESS ON OR BEFORE SEPTEMBER 19, 2007. UPON COMPLETION OF THE SETTLEMENT, THERE WILL BE NO FURTHER OBLIGATION REGARDING THE ACCOUNT AND NO CLAIM WILL BE FILED AGAINST THE ESTATE OF Susan Dollarhide.

Thank you for your prompt attention to this matter.

*Called us 9/27/07
10/26/07
11/7/07*

Sincerely,

Adam S. Cohen
Adam S. Cohen
Co-Chairman/CEO

Went to the money by the 15 Nov.
This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

North Carolina Permit Number: 3293

Wisconsin: This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707

EXHIBIT A
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